PEARSON, J.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

BRANDON SMITH,	)	
	)	CASE NO. 1:21CV1705
Petitioner,	)	
	)	
v.	)	JUDGE BENITA Y. PEARSON
	)	
WARDEN KEITH FOLEY,	)	
	)	
	)	**MEMORANDUM OF OPINION AND**
	)	**ORDER**
Respondent.	)	[Regarding ECF No. 15]

On February 21, 2023, the assigned magistrate judge issued a Report and Recommendation suggesting that Petitioner Smith's sole claim in his Petition for habeas relief is procedurally defaulted and without merit. *See* ECF No. 15. Ultimately, the Report and Recommendation urges the dismissal or denial of the petition for a writ of habeas corpus.

The Federal Magistrates Act requires a district court to conduct a *de novo* review only of those portions of a Report and Recommendation to which the parties have made an objection. 28 U.S.C. § 636(b)(1)(C). Parties must file any objections to a Report and Recommendation within fourteen days of service. *Id*.; Fed. R. Civ. P. 72(b)(2). Absent objections, a district court may adopt a magistrate judge's report without review. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985).

Objections to the Report and Recommendation were due by March 7, 2023. None of the parties have filed an objection[1]. Accordingly, the Court adopts the Report and Recommendation.

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[1] Petitioner filed a Motion for Extension of Time to File Objections until March 28, 2023. *See* ECF No. 16. Petitioner subsequently filed a Notice of Withdrawal of that motion on March 16, 2023. *See* ECF No. 17.

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ECF No. 15. The Petition is dismissed as procedurally defaulted or, in the alternative, denied as being without merit.

Additionally, the Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal from this decision could not be taken in good faith, and that there is no basis upon which to issue a certificate of appealability. 28 U.S.C. § 2253(c); Fed. R. App. P. 22(b).

IT IS SO ORDERED.

August 7, 2023   /s/ Benita Y. Pearson
Date   Benita Y. Pearson
                                                             United States District Judge

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